IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1832 OF 2005

Ajay @ Azad Sararbahaddur Singh ... Applicant

V/s

State of Maharashtra & Ors. ... Respondents

Shri A.K. Singh for applicant

Shri D.P.Adsule,APP for the State.

Coram : V.M. Kanade,J.

Dated : 15/04/2005.

P.C. :-

1 I have heard learned counsel for the applicant and APP for the State.

2 The learned counsel for the applicant submits that the applicant is convicted for an offence punishable under sections 342, 452, 392 and 120(b) of Indian Penal Code and is sentenced to suffer R.I. for 6 months and 8 years respectively.

3 The prosecution case is that the applicant along with other entered the house of the complainant and committed robbery of gold chain and cash. One of the accused assaulted the complainant by knife. The

complainant, thereafter identified the applicant in the identification parade. The learned counsel for the applicant submits that identification parade was not held in accordance with provisions contained in Criminal Manual. He has invited my attention to a finding given by the trial court on this aspect. He has submitted that knife was not produced in the court and this fact has been admitted by the witness Jignesh. He has further submittedthat since only the evidence against him is in the form of identification by the complainant, the applicant is entitled to be released on bail. He has already undergone 2 years and 4 months in the jail out of 7 years. It is not possible to accept the contention raised by the applicant. The applicant had committed an robbery in which the complainant was injured.One of the accused apprehended in the compound of the building itself. The accused/applicant was arrested after 10 hours. In my view, this is not a fit case for the grant of bail. Hence, criminal application for bail is rejected.

6 The applicant however is at liberty to apply for bail if his appeal is not heard within reasonable period of time. The applicant may also apply for furlough since he has undergone 2 years of sentence. If the application for furlough is filed, the Government to decide his application within 2 weeks.

(V.M.Kanade,J.)